

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

|                               |   |                      |
|-------------------------------|---|----------------------|
| CLIFFORD J. DAVLIN,           | ) |                      |
|                               | ) |                      |
| Plaintiff,                    | ) | 8:11CV396            |
|                               | ) |                      |
| v.                            | ) |                      |
|                               | ) |                      |
| TIM MILLER, Unit Manager,     | ) | MEMORANDUM AND ORDER |
| Housing Unit # 3, Nebraska    | ) |                      |
| State Penitentiary; and       | ) |                      |
| O. PEREZ, Case Worker,        | ) |                      |
| Housing Unit # 3, Nebraska    | ) |                      |
| State Penitentiary, and in    | ) |                      |
| their individual and official | ) |                      |
| capacities,                   | ) |                      |
|                               | ) |                      |
| Defendants.                   | ) |                      |
|                               | ) |                      |

This matter is before the Court on plaintiff's Motions to Appoint Counsel (Filing Nos. 2, 12, 17, and 20). The Court cannot routinely appoint counsel in civil cases. In Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.

. . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel . . . ." Id. (quotation and citation omitted). The Court has carefully reviewed the record in this matter and finds that no such benefit is apparent here. The requests for the appointment of counsel will be denied without prejudice.

IT IS ORDERED that plaintiff's Motions to Appoint Counsel (Filing Nos. [2](#), [12](#), [17](#), and [20](#)) are denied.

DATED this 2nd day of April, 2012.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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